

**REMARKS**

The Official Action mailed April 19, 2004, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for One Month Extension of Time*, which extends the shortened statutory period for response to August 19, 2004. Accordingly, Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statements filed on August 24, 2001, July 23, 2003, and January 22, 2004. A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 1-21, 23-39 and 41-64 were pending in the present application prior to the above amendment. Claims 1, 4 and 57 have been canceled. Accordingly, claims 2, 3, 5-21, 23-39, 41-56 and 58-64 are now pending in the present application, of which claims 2, 3, 5, 6, 60 and 61 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 1, 4 and 57 as anticipated by U.S. Patent Application Publication No. 2001/0045565 to Yamazaki. In response, the Applicants have canceled claims 1, 4 and 57; therefore, the rejection is moot.

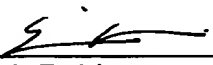
The Official Action rejects claims 2, 5, 20, 23 and 58 as obvious based on the combination of Yamazaki '565, U.S. Patent No. 6,097,147 to Baldo et al. and U.S. Patent 5,457,565 to Namiki et al. The Official Action rejects claims 3, 6-19, 21, 24-39, 41-56 and 59-64 as obvious based on the combination of Yamazaki '565, Baldo, Namiki and U.S. Patent No. 5,928,802 to Shi et al.

However, Yamazaki '565, as a commonly owned reference under § 102(e), may not be considered for a rejection under § 103. Subject matter developed by another, which qualifies as prior art only under one or more of subsections 35 U.S.C. 102(e), (f) and (g), is not to be considered when determining whether an invention sought to be patented is obvious under 35 U.S.C. 103, provided the subject matter and the claimed invention were commonly owned at the time the invention was made. See MPEP § 2146. Since the disclosure by Yamazaki '565 and the claimed invention of the present application were, at the time the invention was made, subject to an obligation of

assignment to Semiconductor Energy Laboratory Co., Ltd., Yamazaki '565 may not be considered for a rejection under § 103. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

  
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